

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Currently amended) A device for enhancing a surgical procedure on a knee, the device comprising:  
a tibial member having a pair of complementary depressions, said tibial member being engageable with a surface of the proximal tibia;  
at least one stationary femoral member for removably attaching to a distal femur;  
and  
at least one adjustable femoral member having a first surface disposed to contact ~~[[a]]~~ the tibial member when the knee is in extension and ~~at least one having a posterior condylar member including a medial femoral posterior condylar portion and a lateral femoral posterior condylar portion, said at least one posterior condylar member being disposed at [[a]]~~ substantially right angle angles relative to the first surface ~~[[to]]~~ so that the medial and lateral femoral posterior condylar portions slidingly contact [[a]] the complementary depression ~~depressions~~ in the tibial member when the knee is in flexion, said adjustable femoral member being movably engaged with the stationary femoral member to adjust tension in at least one ligament of the knee, the adjustable femoral member including an adjustment member that moves the adjustable femoral member in an anterior-posterior direction relative to the stationary femoral member for facilitating completion of the surgical procedure to enhance range of motion, stability or patella tracking of the knee~~[[,]]~~;  
wherein the adjustable femoral member is movably engageable with said tibial member engaged with a proximal tibia to allow the knee to be moved through a range of motion without removing the femoral and tibial members.
2. (Previously presented) A device as in claim 1, wherein the at least one stationary femoral member is engageable with a surface at the distal end of the distal femur.

3. (Original) A device as in claim 1, wherein the adjustable femoral member is separately adjustable on a medial side and a lateral side of the femoral member to adjust tension in the at least one ligament.

4. (Original) A device as in claim 3, wherein adjusting on one side relative to the other side causes the adjustable femoral member to rotate relative to the distal femur.

5. (Previously presented) A device as in claim 4, wherein the adjustment member comprises:

at least one lateral adjustment member for adjusting a lateral portion of the adjustable member; and

at least one medial adjustment member for adjusting a medial portion of the adjustable member.

6. (Original) A device as in claim 5, wherein the lateral and medial adjustment members are selected from the group consisting of screws, pins, levers, rods, springs, spring-loaded mechanisms and shape memory materials.

7. (Previously presented) A device as in claim 1, wherein the at least one adjustable femoral member further has at least one distal femoral portion for emulating a distal surface of the femur.

8. (Cancelled)

9. (Currently Amended) A device as in claim ~~[[8]]~~ 1, wherein the distal femoral portion, the medial femoral posterior condylar portion, and the lateral femoral posterior condylar portion all comprise one piece or extrusion.

10. (Currently Amended) A device as in claim ~~[[8]]~~ 1, wherein the at least one stationary femoral member comprises:

at least one distal femoral plate for coupling the distal femoral portion of the adjustable femoral member to the distal femur; and

at least one posterior condylar member extending from the distal femoral portion to contact at least part of a medial posterior femoral condyle and a lateral posterior femoral condyle of the distal femur.

11. (Original) A device as in claim 10, wherein the at least one posterior condylar member comprises:

- a medial femoral posterior condylar member; and
- a lateral femoral posterior condylar member.

12. (Original) A device as in claim 11, wherein the distal femoral plate, the medial femoral posterior condylar member, and the lateral femoral posterior condylar member all comprise one piece or extrusion.

13. (Original) A device as in claim 11, wherein the medial femoral posterior condylar portion of the adjustable femoral member is adjustable relative to the medial femoral posterior condylar member of the stationary femoral member, and wherein the lateral femoral posterior condylar portion of the adjustable femoral member is separately adjustable relative to the lateral femoral posterior condylar member of the stationary femoral member.

14. (Cancelled)

15. (Cancelled)

16. (Original) A device as in claim 1, wherein the adjustable femoral member is adjustable relative to the stationary femoral member to separately adjust tension in at least one of a medial collateral ligament and a lateral collateral ligament of the knee.

17. (Original) A device as in claim 1, wherein the at least one adjustable femoral member comprises at least one self-adjusting member.

18. (Original) A device as in claim 17, wherein the at least one self-adjusting member comprises at least one of a spring-loaded member and a shape memory member.

19. (Original) A device as in claim 17, wherein the at least one self-adjusting member adjusts relative to the stationary femoral member to adjust tension in at least one of a medial collateral ligament and a lateral collateral ligament of the knee.

20. (Original) A device as in claim 1, wherein the at least one adjustable femoral member comprises a plurality of pre-adjusted femoral members, each having a different asymmetry relative to the stationary member, wherein one of the pre-adjusted members is selected for facilitating the surgical procedure to provide a desired range of motion when the surgical procedure is completed.

21. (Previously presented) A device as in claim 1, wherein the adjustment member of the adjustable femoral member is selected from the group consisting of an aperture, a drill bit guide, a surface marker, a surface feature, a measurement device, an embedded marker, a fiducial, a transponder, a transceiver and a sensor.

22. (Previously presented) A device as in claim 21, wherein the adjustment member facilitates at least one of placing a cutting guide on the distal femur for making bone cuts, making one or more bone cuts on the distal femur, and positioning a prosthetic femoral component on the distal femur.

23. (Previously presented) A device as in claim 21, wherein the adjustment member comprises at least two apertures.

24. (Original) A device as in claim 23, wherein each of the at least two apertures is configured to guide a drill bit to form a hole in the distal femur for attaching a cutting guide to the femur.

25. (Original) A device as in claim 23, wherein each of the at least two apertures are configured to receive at least one of a marker, a fiducial, a transponder, a transceiver and a sensor.

26. (Previously Presented) A device as in claim 23, wherein the at least two apertures extend through the adjustable femoral member and through apertures in the stationary femoral member to provide access to the distal femur.

27. (Original) A device as in claim 26, wherein the at least two apertures are positioned slightly asymmetrically on the adjustable femoral member to provide for a built-in desired flexibility in the ligaments when the surgical procedure is completed.

28. (Previously presented) A device as in claim 21, wherein at least one of the adjustable femoral member and the adjustment member is asymmetrically oriented relative to the stationary member to provide built-in enhanced range of motion when the surgical procedure is completed.

29. (Original) A device as in claim 28, further comprising multiple adjustable femoral members, each having a different asymmetry relative to the stationary member, wherein one of the multiple adjustable femoral members is selected for facilitating the surgical procedure to provide a desired range of motion when the surgical procedure is completed.

30. (Cancelled)

31. (Currently Amended) A ~~system~~ device as in claim [[30]] 1, wherein the tibial member comprises at least one shim, paddle, plate, bar, platform or rod.

32. (Currently Amended) A ~~system~~ device as in claim 31, wherein the tibial member comprises a plurality of tibial shims having different thicknesses or heights, wherein any one of the plurality of shims may be selected for engaging with the surface of the proximal tibia to provide a desired amount of tension in the ligaments.

33. (Currently Amended) A ~~system~~ device as in claim 32, wherein the tibial member further comprises a plate for removably attaching to the surface of the proximal tibia, disposed between the surface and the selected tibial shim.

34. (Currently Amended) A system device as in claim 1, wherein the femoral member and the tibial member are configured to be movably coupled via force provided by the at least one ligament of or adjacent the knee.

35. (Currently Amended) A system device as in claim 1, wherein the femoral and tibial members, when engaged with the distal femur and proximal tibia respectively, are disposed primarily within a joint space between the distal femur and the proximal tibia.

36. (Currently Amended) A system device as in claim 35, wherein a patella of the knee remains approximately in its anatomical position while the femoral and tibial members are engaged and the knee is moved through the range of motion.

37. (Currently Amended) A system device as in claim 1, wherein the movable coupling of the femoral and tibial members allows for flexion and extension through the range of motion.

38. (Currently Amended) A system device as in claim 37, wherein the range of motion comprises a range from approximately full extension of the knee to approximately full flexion of the knee.

39. (Original) A device as in claim 1, wherein the stationary femoral member comprises at least one material selected from the group consisting of plastics, composites, aluminum, stainless steel, composite, cobalt-chrome, titanium, and other metals.

40. (Original) A device as in claim 1, wherein the adjustable femoral member comprises at least one material selected from the group consisting of plastics, composites, aluminum, stainless steel, composite, cobalt-chrome, titanium, and other metals.

41. (Original) A device as in claim 1, further comprising at least one grasping member coupled with at least one of the stationary and adjustable femoral members for facilitating placement and/or removal of the device from the knee.

42-115. (Cancelled)

116. (Currently Amended) A device as in claim 1, wherein the adjustable femoral member is configured to be adjusted to identify at least one position on the distal femur for rotationally orienting a guiding device on the femur to make at least least one bone cut for positioning of an implanted prosthetic femoral device, the position of the implanted device enhancing at least one of range of motion, stability and patella tracking of the knee.

117. (Previously Presented) A device as in claim 116, wherein the guiding devices is a cutting guide, a fiducial, a marker, a transponder or a transceiver and sensor.

118. (Previously presented) A device as in claim 1, wherein the at least one stationary femoral member comprises  
at least one distal femoral plate for removably attaching to the distal femur; and  
at least one stationary posterior condylar member extending substantially perpendicular from the distal femoral plate to contact at least part of a medial posterior femoral condyle or a lateral posterior femoral condyle of the distal femur.

119. (Previously presented) A device as in claim 1, wherein the adjustable femoral member comprises a plate and the at least one posterior condylar member extends substantially perpendicularly from the plate.

120. (Cancelled)

121. (Cancelled)